

833.010

December 19, 2016

Mr. Eric Daly
Response and Prevention Branch
U.S. Environmental Protection Agency, region II
2890 Woodbridge Avenue, Bldg. 205 (MS-211)
Edison, New Jersey
Email: Daly.Eric@epa.gov

Re: Response to Request for Information
9524 Niagara Falls Boulevard LLC
9524 Niagara Falls Boulevard, Niagara Falls, New York

Dear Mr. Daly:

Leader Professional Services, Inc. ("Leader") is submitting the following information in response to the questions received from the U.S. Environmental Protection Agency. Leader has prepared the responses contained herein for only 9524 Niagara Falls Boulevard LLC. 9540 NFB LLC will be addressed separately.

1. Please answer the following questions for both 9525 NFB LLC and 9540 NFB LLC:

- a. State the correct legal name and mailing address for each Company.

Response: 9524 Niagara Falls Boulevard LLC
1080 Pittsford Victor Road
Suite 202
Pittsford, New York 14534

- b. State the name and address of the president or the chairman of the board and/or presiding officers of each Company.

Response: Daniel Morgenstern, Managing Member

- c. Identify the state and date of incorporation of each Company and each Company's agent for service of process and the state of incorporation and in New York.

Response: New York State, March 10, 2000.

- d. If each Company is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related entities and describe their relationship to each Company.

Response: Not applicable.

- e. Indicate whether either Company has been the subject of or is otherwise involved in a bankruptcy filing under the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330. If not, state whether either Company anticipates filing a petition under the Bankruptcy Code within the next six months.

Response: Not applicable.

2. Indicate whether 9524 NFB LLC or 9540 NFB LLC ever operated at the Site or any portions thereof, either solely or as a partnership. If so, provide a detailed description of the operations, processes, or business activities either Company conducted at the Site.

Response: 9524 Niagara Falls Boulevard LLC is only the property owner and not the operator of 9524 Niagara Falls Boulevard.

3. Indicate whether companies other than 9524 NFB LLC and 9540 NFB LLC currently operate at the Site or any portions thereof. Please identify any such operators and the date the operators began operations at the Site. Briefly describe the operations, processes, or business activities of these companies.

Response: Bowlen Enterprises Limited is the sole operator of 9524 Niagara Falls Boulevard. In addition to having bowling lanes they operate a bar and grill in the building.

4. State when and from whom 9524 NFB LLC purchased the 9524 Property. If there were any businesses operating on the real property at the time it was acquired, please identify them.

Response: 9524 Niagara Falls Boulevard LLC purchased the property from Ceegood Corporation on March 21, 2000.

5. State when and from whom 9540 NFB LLC purchased the 9540 Property. If there were any businesses operating on the real property at the time it was acquired, please identify them.

Response: These responses are for the property located at 9524 Niagara Falls Boulevard. Responses for 9540 NFB LLC are provided by separate correspondence.

6. If known by your Company, indicate the names of any prior owners and operators of the 9524 Property and the dates of their ownership and/or operation.

Response: Please see our response to questions 3 and 4.

7. If known by your Company, indicate the names of any prior owners and operators of the 9540 Property and the dates of their ownership and/or operation.

Response: This information is unknown to us.

8. Please indicate whether, to your knowledge, there were any operations at the Site by prior owner(s)/operator(s) involving the use of radioactive materials. If so, describe in detail what those prior operations were and when they occurred.

Response: Unknown.

9. Provide all information of which you are aware regarding the disposal of radioactive slag at the Site, including but not limited to when the disposal of such material took place, the source of the material, and the entity(ies) involved in the generation, handling, storage, transportation, or disposal of the material. Provide knowledge, information, and/or documents relating to contracts, agreements, or permits between any persons involved in any activities associated with the placement of radioactive slag material at the Site.

Response: Not applicable; 9524 Niagara Falls Boulevard LLC had no such agreements.

10. Identify all individuals and entities that/who may have information or documents relating to the generation, handling, storage, transportation, or disposal of the radioactive slag that came to be located at the Site.

Response: 9524 Niagara Falls Boulevard LLC purchased the property and began operations on March 21, 2000. 9525 Niagara Falls Boulevard LLC has no information concerning these activities.

11. Provide any knowledge, information, and/or documents related to the construction of the parking areas at the site, which is believed by EPA to have occurred in the early 1960s. In your response, if known, please identify all persons and/or entities involved in the construction of the parking areas at the Site and indicate the source of the fill material used for the construction of the parking areas.

Response: 9524 Niagara Falls Boulevard LLC purchased the property and began operations on March 21, 2000. 9524 Niagara Falls Boulevard LLC has no information regarding the construction of the parking lot in the early 1960's.

12. Provide any knowledge, information, and/or documents related to any current or prior operations involving earth-moving activities around the parking area at the Site.

Response: 9524 Niagara Falls Boulevard LLC conducted an emergency water line repair in 2015. The water line repair involved excavating the water line. No material was removed from the Site. All excavated material was replace in the excavation.

13. Provide any knowledge, information, and/or documents related to the Probe International investigation of radioactive contamination at 9524 NFB, which commenced in 1979 at the request of the Consolidated Bowling Corporation.

Response: 9524 Niagara Falls Boulevard LLC does not have any information related to the 1979 Probe International investigation.

14. If your Company performed a Phase I Environmental Site Assessment ("Phase I assessment") at either property at the Site prior to your ownership, please provide the details of the Phase I assessment and provide a copy. If you are aware of any other Phase I assessments that have occurred at the Site in the past, provide the details of those other assessments and provide copies, if available.

Response: A Phase I Environmental Site Assessment was performed by Leader Environmental, Inc. in March 2000. Attachment 1 is partial a copy of the Phase I Environmental Site Assessment completed for 9524 Niagara Falls Boulevard LLC in 2000. We have not been able to locate a complete copy of the report

15. Indicate whether you have ever conducted an assessment, investigation, or cleanup of hazardous substances or wastes at the Site. If yes, identify all environmental contractors and consultants hired to perform the work, describe the activities they conducted at the Site, and indicate the date(s) that the activities took place. Provide copies of all letters, reports, and conclusions issued by the contractors and consultants regarding the Site, including the names of the wastes that were disposed of and the location of disposal.

Response: 9524 Niagara Falls Boulevard LLC has not been involved with these activities at the 9524 Niagara Falls Boulevard property.

16. Please answer the following questions concerning the involvement of state and local authorities at the site:

- a. Describe any and all communications that you have had with State and/or local authorities concerning the radioactive material at the Site.

Response: 9524 Niagara Falls Boulevard LLC has not been in communication with any state or local authorities concerning the radioactive material found at the 9524 Niagara

Falls Boulevard, with the exception of communications from USEPA regarding their activities and this request for information.

- b. Describe in detail any and all response work performed at the Site by a State or local agency concerning the parking lot and/or the radioactive material at the Site. Please include in your description any removal activities that may have been performed by New York State in 2008 or 2009.

Response: 9524 Niagara Falls Boulevard, LLC is not aware of any response activities being conducted on the property by a State or local agency.

- c. Indicate whether any state or local agency ever transported, disposed of, and/or stored construction debris or radioactive material at the Site. If so, please describe where and the manner in which the debris/material was transported, disposed of, and/or stored.

Response: 9524 Niagara Falls Boulevard LLC is not aware of any construction debris or radioactive material handling, storage, transportation or disposal activities taking place on the property.

- 17. Identify all individuals with knowledge of facts relating to the responses provided to this Request for Information. Identify each individual who assisted or was consulted or who answered on behalf of the Company in the preparation of its response to this Request for Information, and specify the question with which each person assisted in responding.

Response:

Leader Professional Services, Inc. – Michael Rumrill and Peter von Schondorf
9524 Niagara Falls Boulevard LLC – Leonard Pimm, James Martin and Daniel Morganstern

- 18. Please provide any additional information or documents that may help EPA identify parties that may have been a source or, or otherwise been responsible for, the radioactive material that came to be located at the Site.

Response: 9524 Niagara Falls Boulevard LLC does not have any additional information.

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If you have any questions or require additional information, please contact us at 585-248-2413 or by email: pvonschondorf@leaderlink.com.

Very truly yours,
LEADER PROFESSIONAL SERVICES, INC.

A handwritten signature in cursive script that reads "Peter von Schondorf".

Peter von Schondorf
Senior Project Manager

A handwritten signature in cursive script that reads "Michael P. Rumrill".

Michael P Rumrill
President

Attachment 1

Phase I Environmental Site Assessment